

TFW

3736



Dkt. 01234

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Heiner STEGMANN

Group Art Unit: 3736

Serial No. 10/019,446

Examiner: M. Astorino

Filed: December 31, 2001

MAIL STOP AFTER FINAL

For: METHOD FOR ADJUSTING OR CONTROLLING THE  
DIET AND/OR A PERSON'S CONSUMPTION

LETTER

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Office communication dated June 5, 2006.

The Examiner states that applicant's response is non-responsive since the Applicant failed to submit information regarding Bruce protocol and lactate testing along with nutritional guidelines associated therewith.

In response to this communication, Applicant states that in the prior art protocol, such as the Bruce protocol, anaerobic capacities are assumed to exist. The invention

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departs from this assumption on the basis that lactate is now thought to be an energy source that is independent of  $O_2$  absorption.

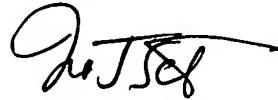
A review concerning current cell metabolism research can be found in an article by Brooks, "Lactate Shuttles in Nature", Biochemical Society Transactions (2002), Volume 30, part 2, pages 258 et seq., a portion of which is attached hereto.

With regard to the "Stegmann threshold", please note that this is a value and known among experts, as is shown on the first page of the article by McLellan et al. which is attached hereto.

Also enclosed is an Abstract of an article by Gladden directed to cell metabolism research.

Applicant believes that this information answers the questions posed in the Office action, but stands ready to provide further information if necessary.

Respectfully submitted,



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